



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jonathan S. Simon

: Art Unit: 1731

Serial No: 09/829,747

: Examiner: S. Vincent

Filed: April 4, 2001

: Docket No: 5345-05

For: CONTROL FOR I.S. MACHINE

Assistant Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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AUG. 13, 2003

Sir:

Please charge deposit account number 50-0696 for the fee required to extend the time for reply one month extending the time to reply to August 24, 2003.

Please also charge deposit account number 50-0696 for the Terminal Disclaimer fee under 37 CFR 1.20(d) required for the attached Terminal Disclaimer under 37 CFR 1.321.

A duplicate copy of this paper is attached.

Responsive to the Office Action dated April 24, 2003, applicant is hereby submitting a Terminal Disclaimer under 37 CFR 1.321 relative to sister applications 09/829,746 and 09/829,704. It is believed that this disclaimer overcomes the rejections set forth in this Office Action and that, accordingly, this application is in condition for allowance.

Respectfully submitted,

By

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August 13, 2003

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

5345-05

In re Application of: JONATHAN S. SIMON

Application No.: 09/829,747

Filed: 04/10/01

For: CONTROL FOR AN I.S. MACHINE

09/829,746

both

The owner\*, EM HART GLASS SA of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second application Application Number 09/829704 AND, filed on 04/10/01, the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

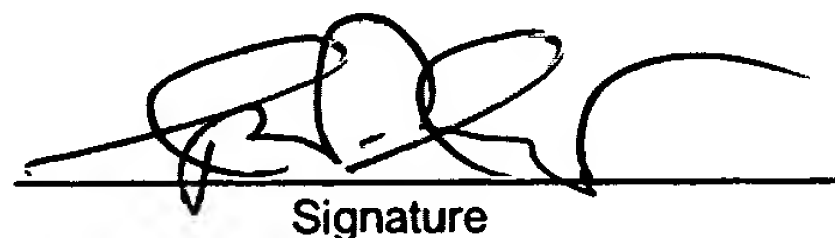
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

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Signature

08/11/03  
Date

SPENCER T. SMITH

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.